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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
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13 NEXITY BANK,) 2:10-cv-00115-HDM-RJJ
14 Plaintiff,)
15 vs.) ORDER
16 VIGEN TOOMIANS, et al.,)
17 Defendants.)
_____)

18 Plaintiff filed its complaint against the defendants on
19 January 26, 2010. Although defendants were properly and timely
20 served, neither filed any answer or other responsive pleading.
21 Plaintiff therefore obtained entry of clerk's default against the
22 defendants on March 31, 2010. No other document has been filed in
23 this action since that time.

24 On August 8, 2011, plaintiff was advised that this action had
25 been pending for more than 270 days "without any proceeding having
26 been taken during such period." (Notice of Intent to Dismiss for
27 Want of Prosecution, Doc. #10). Plaintiff was further advised that
28 if no action was taken on or before September 7, 2011, the clerk's

1 office would apply to this court for dismissal for want of
2 prosecution. (*Id.*)

3 Plaintiff has failed to respond to the notice of intent to
4 dismiss for want of prosecution or to take any other action in this
5 case. Accordingly, pursuant to Local Rule 41-1 and Federal Rule of
6 Civil Procedure 41(b), this action is dismissed without prejudice
7 for failure to prosecute. See Fed. R. Civ. P. 41(b) (dismissal for
8 failure to prosecute); L.R. 41-1; *Link v. Wabash R. Co.*, 370 U.S.
9 626, 628-32 (1962) (holding that court has inherent authority to
10 *sua sponte* dismiss an action for the plaintiff's failure to
11 prosecute).

12 **IT IS SO ORDERED.**

13 DATED: This 8th day of September, 2011.

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15 UNITED STATES DISTRICT JUDGE
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